16/1/07 (1) 3

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

M.C.C No. 64 /2007 Single Bench

(ARISING OUT OF ORDER DATED 07.12.2006 PASSED BY THE COURT OF HON'BLE JUSTICE SHRI D.R. DESHMUKH IN S.A. NO. 25/2007)

APPLICANTS

1. Devantin Bai, (Wrongly mentioned as Devti Bai) Abandoned by Chandrkishore, Aged about 37 year R/O. Dangarh, Tehsil Mohla, District Rajnandgaon (C.G.)
2. Shyamlal S/O. Ramdayal Gond, Aged about 40 years, R/O. Village Bhanpuri, Tahsil : Dondilohara, District : Durg (C.G.)

P.R. No. 356/07 Rani Maheshwary
Presented by Shri
dated 01/2/07

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CLERK to A. G. BILASPUR

VERSUS

RESPONDENTS

1. Balram S/O. Anjam Singh Aged about 51 years, R/O. Nadgarh, Post : Dangarh, Tahsil : Mohla District : Rajnandgaon (C.G.)
2. Chandrabhan S/O. Gyansingh Aged about 49 years, R/O. Village : Musamgaon, Post Musmgaon, Tahsil Garhchiroli (Maharastra)
3. State of Chhattisgarh, Through : Collector District : Rajnandgaonn (C.G.)

OATH COMMISSIONER
APARNA MALVIYA
CG-0073/05
01/02/07
High Court Chhattisgarh

(2) 4

APPLICATION FOR RESTORATION OF S.A. No. 25/2007

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.C.C.No.64/ **सन्** 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

19.02.2007

Shri Anoop Mazumdar, Advocate with Shri Ravi Maheswhari for the applicants.

Shri G.D.Vasvani, G.A. for the State/respondent No.3.

Heard on M.C.P.No.293 of 2007 for condonation of delay.

Second Appeal No.25 of 2007 was filed on 2.8.2006. Defaults were pointed by the Registry that the appeal is barred by time and application for condonation of delay had not been filed and that copy of the judgment and decree of trial Court had also not been filed. On 7.12.2006, learned counsel for the appellants sought two weeks time to remove the defaults, which was granted. An application for condonation of delay supported with an affidavit was filed on the same day. However, the second part of the default could not be made good because copy of the judgment and decree of the trial Court was received by the appellant on 05.01.2007.

Considering the grounds mentioned in M.C.P.No.293 of 2007, the delay in filing M.C.C.No.64 of 2007 is condoned.

Heard on M.C.C.No.64 of 2007.

For the reasons mentioned therein and subject to applicants depositing cost of Rs.300/- with the High Court Legal Aid Committee within a week, M.C.C.No.64 of 2007 is allowed. S.A.No.25 of 2007 shall stand restored after deposit of costs as ordered.

The applicants shall ~~also~~ now file certified copy of the judgment and decree before the Registry within the time stipulated.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Anjali

P.T.O.